

HOUSE BILL 763
By Turner L

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 2, to provide for a moratorium on the death penalty.

WHEREAS, the General Assembly of the State of Tennessee recognizes the value of each person's life and the need to protect that life whenever possible; and

WHEREAS, the State should exercise utmost care to protect its residents' lives from homicide, accident, and unjust taking by the State; and

WHEREAS, significant numbers of Tennesseans maintain that inadequate representation, economic status, race, judicial error, prosecutorial misconduct, or other factors may deny some defendants the right to adequate representation and/or a fair trial in capital cases; and

WHEREAS, new methods and technologies have been developed for determining more precisely the guilt or innocence of accused in capital crimes; and

WHEREAS, the execution of an innocent person by the State of Tennessee would be an irreversible injustice; and

WHEREAS, in order to ensure a system of justice which is impartial, a moratorium on the death penalty should be imposed until such time as the State has established a fair and accurate system of applying and administering capital punishment in Tennessee; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Notwithstanding any provision of law to the contrary, it is the intent of the general assembly that a moratorium be established with regard to carrying out any death penalty imposed by a court of this state, such moratorium to end as provided by section 2.

SECTION 2. Notwithstanding any provision of law to the contrary, it is the further intent of the general assembly that the death penalty moratorium shall end only after the general assembly and governor have received, considered, and acted upon the recommendations of a committee established to conduct a comprehensive study of equal access to justice and other implications of the death penalty.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.